

40. The mat described in claim 37 wherein:
said shock absorbent layer reduces stress to the
muscles, joints, tendons and ligaments on the body of the
exerciser.

41. The mat described in claim 37 wherein:
said layer of shock absorbing material is anti-
fatiguing to the body of the user.

42. The mat described in claim 37 wherein:
said layer of shock absorbing material has a quick
recovery memory so that it returns to its unloaded state even
during rapid repetitions of jumping routines.

43. The mat described in claim 37 wherein:
said bottom layer is comprised of plasticized vinyl
coated scrim.

44. The mat described in claim 37 wherein:
said exercising and sports conditioning is jump
training.

REMARKS

Claims 1, 3-6, 17, 27-44 remain in this case.

The objections to the specification is noted. Appropriate

amendments have been made to cure the alleged defects noted by the Examiner.

Reference is made to the rejection of the claims under 35 U.S.C. §112.

The claims have been revised in accordance with the Examiner's suggestions. Accordingly, the rejection should be withdrawn.

Reconsideration of claim 1(Amended) is requested. This claim was rejected under 35 U.S.C. §103 as being unpatentable over Baldwin in view of Casteel.

Claim 1 has been amended to recite that the mat has an uppermost layer, an intermediate layer and a bottom layer. Further, the bottom layer has been recited as resisting sliding *obvious* on the surface which supports the mat so that the mat will not slide from under an exerciser who would otherwise fall and risk serious injury.

Baldwin, which was principally relied upon the Examiner, fails to disclose the structure recited in claim 1(Amended). The gymnastic mat disclosed in Baldwin simply has two layers which are held in overlying relation by a peripheral frame 11.

Further, the two layers disclosed in Baldwin are not connected to each other. Rather, they simply overlie each other

and can slide relative to each other. The bottom layer is constrained by the peripheral frame. The top layer is constrained by a plurality of tie-down devices located at its perimeter. Each of the tie-down devices 16 includes a knot 31 which engages an appropriate notch 25 on the peripheral frame.

Accordingly, Baldwin fails to disclose the structure recited in this claim.

Baldwin's failures are not addressed by the disclosure in Casteel. Thus, Casteel also fails to disclose an exercise mat. Casteel's device is a parlor game such as hopscotch which is performed on a playing surface constructed principally of indoor-outdoor carpet. The device is particularly designed for use by sight-impaired, blind, young and/or relatively uncoordinated individuals.

Further, the patent discloses that the designs that are on the surface of Casteel's device can be made of different textures than the other portions of the surface so that they are more readily discernible by the person using the device.

It should be noted that such a treatment would interfere with the requirements for applicant's mat since applicant's mat is required, inter alia, permit sliding movement across its surface.

Therefore, it is apparent that even if the disclosures in Baldwin and Casteel were combined as suggested by the Examiner they would still fail to disclose or make obvious the subject matter of claim 1(Amended).

Accordingly, the rejection of claim 1(Amended) should be withdrawn and it should be allowed.

Reconsideration of claims 3 - 5 is requested. These claims are considered to be patentable for substantially the same reasons as their parent claim and further because they recite the specific structure of the mat, namely, its size and weight which enable it to accomplish its intended result.

The Examiner's comment that the materials and dimensions are merely changes of degree not kind is not well taken since they are critical to the sports conditioning and exercise function of the disclosed and claimed mat.

The applicant has carefully researched the vast array of possible materials that could be used for the various structural elements of the mat, keeping in mind the critical importance of those materials in preventing injury to exercisers while at the same time permitting movements necessary for the exercise and sports conditioning.

These features are not disclosed in either Baldwin or Casteel. Accordingly, the rejection of these claims should be withdrawn and they should be allowed.

Reconsideration of claims 27 - 35 is requested. These claims are considered to be patentable for substantially the same reasons as their parent claim and further, because none of the references, whether cited individually or in combination, disclose the structure that they in association with the structure and for the purposes recited in claim 1(Amended).

The Examiner's comment that the materials and dimensions are changes of degree not kind is not well taken for the reasons given earlier.

Accordingly, the rejection should be withdrawn.

Reconsideration of claims 6(Amended) and 17(Amended) is requested. These claims are directed to the particular structural elements which are on the top surface of the mat and which are important in enabling an exerciser to properly perform exercises.

The Examiner's comment that the components recited as being on the top layer of the claimed mat are ornamental and without mechanical function are not well taken.

Thus, the structural limitations relating to the rectangles recited in these claims relate to appropriate foot movement and

relative foot position, all of which are critical to accomplishing the exercise and sports conditioning purposes of the invention. These features are not disclosed in the references cited.

Accordingly, the rejection of claims 6 (Amended) and 17 (Amended) should be withdrawn and these claims should be allowed.

Consideration of new claim 36 is requested. This claim is essentially a rewrite of claim 12 in that it addresses the configuration of mats illustrated in Figure 5 where the instructor's mat faces the exerciser's mat. The Examiner has erroneously concluded that the two mats are identical. However, they are different in that the distinctive components, while being the same on each mat, are arranged in different locations, thereby enabling face to face instruction to take place while avoiding disorientation of the exerciser.

Accordingly, the rejection should be withdrawn and this claim should be found allowable.

Consideration of claim 37 and the claims which depend from it, namely, claims 38 - 44, is requested. Claim 37 is directed to the specific structure of an exercise and sports conditioning mat comprised of three layers and being about 1/30 to one half inch thick, weighing between about 4.5 to 5.5 pounds, and having dimensions of 42" wide by 42" long, wherein the uppermost layer

is comprised of a material that facilitates exercises including the actions of pivoting, jumping and sliding and running, the intermediate layer that absorbs and thereby minimizes the likelihood of injury and a bottom layer which will not slide from under an exerciser who will otherwise fall and risk injury. None of the references cited by the Examiner disclose or suggest these features.

Further, as pointed out earlier, these features are critical to the successful achievement of an exercise program which requires the movements recited in the claim. Accordingly, claim 37 is considered to be allowable.

Referring to claims 38 - 44, it should be noted that they recite specific characteristics of the various structural elements recited in their parent claim, claim 37. These features have been determined by applicant to be critical to accomplishing the exercise and sports conditioning program for which the mat is designed as explained earlier.

Accordingly, these features should not be dismissed as being arbitrary or mere changes in degree rather than kind. Accordingly, these claims are considered to allowable.

Based on the amendments authorized above and the arguments presented therein, it is submitted that all the claims remaining in this case are allowable and such allowance is courteously requested.

Respectfully submitted,

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